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Patent  
Attorney's Docket No. 028433-007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of  
Toyohiko Yoshida et al.  
Application No.: 09/146,259  
Filed: September 3, 1998  
For: DATA PROCESSING DEVICE

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) Group Art Unit: 2183  
)  
) Examiner: WILLIAM M TREAT  
)  
) Confirmation No.: 7001  
)

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OFFICE OF PETITIONS

**PETITION UNDER 37 C.F.R. §1.181 FOR A DECISION BY  
THE DIRECTOR OF THE TECHNOLOGIES CENTER 2100**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: May 3, 2004

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Technology Center 2100

Sir:

Pursuant to 37 C.F.R. §1.181 Applicants respectfully request the supervisory authority of the Commissioner to vacate the drawing objections under 37 C.F.R. §1.81, 1.84 and 1.83.

The Commissioner is hereby authorized to charge any appropriate fees that may be required by this paper and to credit any overpayment to deposit account number.

This petition is being filed within two months of the paper dated April 5, 2004 (Paper No. 35) as set forth in 37 C.F.R. §1.181(f).

**Brief Summary of Prosecution History**

On September 6, 2001 a final Office Action was issued in the above-identified application. A response was filed on November 9, 2001. An Advisory Action was issued on November 29, 2001. In response thereto, a Petition for Extension of Time

and a Notice of Appeal was filed on January 4, 2002. On April 4, 2002 an Appeal Brief was filed with a Petition for Extension of Time. On April 23, a communication was received stating that the Appeal Brief was not fully responsive since Applicants did not respond to the Examiner's drawing requirements under 37 C.F.R. §1.83 and 1.81. A Supplemental Brief was filed on May 6, 2002.

On July 17, 2002, a new Office Action was issued in response to the Office Action a Request for Reinstatement of the Appeal and Supplemental Appeal Brief was filed on October 17, 2002. The Examiner issued an answer on January 15, 2003 and on March 14, 2003 a Reply Brief and Request for Oral Hearing was filed. On January 24, 2004 Applicants' representative appeared before the Board to present oral argument. On January 21, 2004 a decision from the appeal was issued by the Board of Patent Appeals and Interferences. In the decision, the Board reversed the Examiner's rejection of claims 1-25 under 35 U.S.C. §112 first and second paragraphs as well as the rejection of the claims under 35 U.S.C. §102 and 35 U.S.C. §103. The objection to the claims was not reviewed by the Board since it is not subject to appeal.

#### Reasons for Petition

This Petition is filed with regard to the remaining issues in the application, i.e., the objection to the drawings under 37 C.F.R. §1.81, 1.83 and 1.84.

The Examiner required the Applicants to furnish a drawing under 37 C.F.R. §1.81 to facilitate understanding of the invention. However, Figure 1 clearly shows the features claimed in the claims. In particular, Figure 1 clearly shows registers 31-34 holding the various signals as discussed on page 54 lines 1-21. Applicants

respectfully submit that Figure 1 discloses the registers claimed in claims 14, 18 and 20. Additionally, the Examiner stated that the concept behind 37 C.F.R. §1.81 is that the drawings itself without extensive reference to the specification will enable understanding of the claim and not that the drawings in conjunction with the hundred page specification will allow understanding of the claim. However, Applicants note that nowhere is there a requirement that in the absence of the specification that the drawings themselves enable understanding of the claims as suggested by the Examiner. Applicants respectfully request that the Examiner's objection to the drawings under 37 C.F.R. §1.81 be withdrawn.

Additionally, Applicants respectfully traverse the Examiner's objection to the drawings as lacking suitable legends under 37 C.F.R. §1.84. Figures 1 and 12 have been amended on May 3, 2004 to label registers 30-34, 40-42, 50-52, 60-62, 70-72, 80-82 and 90-92 as registers. In addition, Figs. 2a, 2b, 4 and 6 have been amended on May 3, 2004 per the Examiner's request. Therefore, Applicants respectfully request that the Examiner's objection to the drawings under 37 C.F.R. §1.84 be withdrawn.

Finally, Applicants respectfully traverse the Examiner's objection to the drawings under 37 C.F.R. §1.83. The Examiner stated that the drawings must show every feature of the invention specified in the claims but has not specified what is missing. Applicants respectfully submit that every feature is shown in the drawings as claimed in the claims. In particular Figures 1, 2a, 2b and 9 clearly show all the features of the invention. Figure 1 shows the instruction decoder 2, the instruction execution unit 3, 4 and control signals 11, 12. Additionally, Figure 9 shows the various periods while Figs. 2a and 2b show the instructions. Additionally, Fig. 9

shows a period T7 starting from a lapse of time after a third period T4 (see line 101, BRA at time T7 indicated as E/M). Additionally, Fig. 1 shows registers 30-34 while Figs. 2a and 2b show the various fields 401, 404, 402, 405, 403 and 406 as claimed in claim 21. Applicants respectfully submit that the drawings show every feature the inventions specified in the claims. Therefore, Applicants respectfully request that the objection to the drawings be withdrawn.

In view of the foregoing, Applicants respectfully request that the objection to the drawings under 37 C.F.R. §1.81, 1.83 and 1.84 be withdrawn and the case be allowed to issue.

If for any reason the application is not now in condition for allowance, Applicants respectfully request that the Applicants' undersigned attorney be contacted at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the current set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

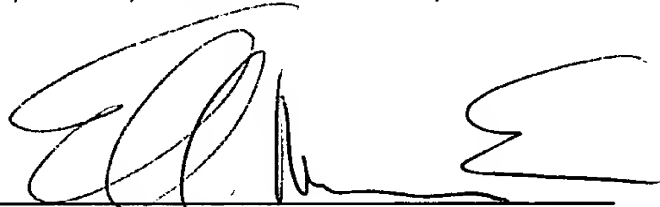
In the event that any additional fees are due with this paper, please charge  
our Deposit Account No. 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: May 3, 2004

By:

A handwritten signature in black ink, appearing to read 'Ellen Marcie Emas', written over a horizontal line.

Ellen Marcie Emas  
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